



URGENT

February 17, 2022

VIA EMAIL: Steve.Bell [REDACTED]

Attention: Steve Bell, Interim Police Chief
Ottawa Police Service
[REDACTED]

Dear Interim Chief Bell,

Re: Ottawa Police Breach of Charter Rights -- Right to Peaceful Assembly

We observed your press conference this afternoon.

On behalf of the Justice Centre for Constitutional Freedoms, we are writing to you directly with our grave concerns regarding your legally unsupported warning to Canadians about rights of public assembly and protest.

Remarkably, today, you stated that your police will not allow people to enter downtown Ottawa to participate in peaceful protests.

You have no authority whatsoever to make such an order.

Your direction to the police is contrary to the rights of Canadians to peaceful assembly, as is guaranteed under section 2 of the *Canadian Charter of Rights and Freedoms* (the "Charter").

The *Charter* ensures that Canadians are free to peacefully assemble, to express their ideas, to gather to discuss them and to communicate political dissent widely to other people. These activities are basic forms of individual liberty. They are essential to the basic functioning of a democratic society like Canada. In Canada, people are free to discuss matters of public policy, to protest peacefully, and to criticize politicians, governments and laws.

We request that you review immediately the most recent Federal Proclamation under the Emergencies Act,¹ which confirms that Canadians have the right to continue to come to downtown Ottawa.

¹ Canada Gazette, Part II, Ottawa, Tuesday, February 15, 2022, Emergencies Act, Proclamation Declaring a Public Order Emergency SOR/2022-20 <https://www.gazette.gc.ca/rp-pr/p2/2022/2022-02-15-x1/pdf/g2-156x1.pdf>

The Federal Proclamation issued on Tuesday, February 15 confirms that Canadians of all ages have the right to attend public assemblies and protests in downtown Ottawa. We hereby set out the relevant provisions for your ease of reference:

(a) measures to regulate or prohibit any public assembly — other than lawful advocacy, protest or dissent — that may reasonably be expected to lead to a breach of the peace, or the travel to, from or within any specified area, to regulate or prohibit the use of specified property... [emphasis added]

Furthermore, the rights of Canadians to continue with their safe and peaceful protest in downtown Ottawa was confirmed by Justice McLean of the Ontario Superior Court as recently as February 16, 2022, in a Court Order which states:

THIS COURT ORDERS that, provided the terms of this Order are complied with, the Defendants and other persons remain at liberty to engage in a peaceful, lawful and safe protest.

We attach a copy of the Court Order of Justice McLean.

The illegal measures you personally announced today, to block Canadians from entering streets in downtown Ottawa near Parliament Hill, are a gross violation of the *Charter*, contrary to the express wording of the February 15 Federal Proclamation, and contrary to the February 16 Court Order of Justice McLean.

You must immediately cease and desist any actions that restrict the peaceful assembly of protestors in downtown Ottawa. Such actions on your part are illegal and infringe Canadians fundamental *Charter* rights. You must immediately correct your gross error and announce that Canadians have the right to come to Ottawa to engage in "lawful advocacy, protest and dissent" as stated by the Federal Government's Proclamation.

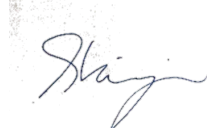
Further legal action may be commenced against the Ottawa Police, and against you personally, for highly improper conduct.

We require an immediate response.

Yours truly,

The Justice Centre for Constitutional Freedoms

PER:



Eva Chipiuk, B.Sc., LL.B, LL.M
Staff Counsel

CC. Jim Watson, Mayor of Ottawa: Jim.Watson@ottawa.ca
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